

REMARKS

Claims 10 and 34 have been cancelled. Claims 32-33 have been amended. Claims 1-9, 11-33, and 35-61 are now pending in this application. Support for the amendments is found in the existing claims and the specification as discussed below. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Allowable subject matter

Applicants gratefully acknowledge the indication of allowable subject matter for claims 1-31.

Claim 32, depends ultimately from claim 1 and contains all the limitations thereof but was rejected under 35 U.S.C. § 112, second paragraph. This rejection is addressed below. Claim 32 is now believed to be in condition for allowance.

Claims 34-36, 38, 44, and 46-60 were indicated as allowable but objected to for depending from a rejected base claim. With this amendment, the limitations of claim 34 have been incorporated into claim 33. Claims 35-61 depend ultimately from amended claim 33.

Accordingly, claims 1-9, 11-33, and 35 -61 are believed to be in condition for allowance as discussed further below.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 32 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 has been amended to replace “said needle or cannula” with “the vessel” in view of the Examiner’s comments.

Reconsideration and withdrawal of the rejection is respectfully requested.

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Rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Claims 33, 37 and 39 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Helftenbein (US 6776959).

Claims 33, 37, 39-43, 45-47 and 61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Helftenbein (US 6776959) in view of the Stratagene Catalog, p. 39 (1988).

Both grounds of rejection are addressed by incorporation of the limitation of claim 34 into claim 33 with this amendment. Claim 34 is not subject to this ground of rejection. Claims 35-61 depend ultimately from claim 33 as amended. Accordingly, the cited references do not teach or suggest all of the limitations of the claims as amended.

In view of Applicants' amendments, withdrawal of the rejection is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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